



BOARD OF APPEALS  
Diane R. Gordon, Co-Chair  
Harry Miller, Co-Chair  
Bailey S. Silbert

# *Town of Brookline*

## *Massachusetts*

Town Hall, 1<sup>st</sup> Floor  
333 Washington Street  
Brookline, MA 02445-6899  
(617) 730-2210 Fax (617) 730-2248  
Patrick J. Ward, Secretary

TOWN OF BROOKLINE  
BOARD OF APPEALS  
CASE NO. BOA 070050

Petitioner, William R. Ferraro, applied to the Building Department for a permit to do renovations on his property at 48-50 Cameron Street. The application was denied and an appeal taken to this Board. The petitioner seeks zoning relief to construct two roof dormers for additional habitable floor area.

On August 16, 2007 the Board of Appeals met and determined that the properties affected were those shown on a schedule in accordance with the certification prepared by the Assessors of the Town of Brookline and approved by the Board of Appeals and fixed October 4, 2007 at 7:00 p.m. in the conference room, Main Library, as the time and place of a hearing on the appeal. Notice of the hearing was mailed to the Petitioners, to the owners of the properties deemed by the Board to be affected as they appeared on the most recent local tax list, to the Planning Board and to all others required by law. Notice of the hearing was published September 13 and 20, 2007 in the Brookline Tab, a newspaper published in Brookline. Copy of said notice is as follows:

TOWN OF BROOKLINE  
MASSACHUSETTS  
BOARD OF APPEALS  
NOTICE OF HEARING

**Pursuant to M.G.L., C.39, sections 23A & 23B, the Board of Appeals will conduct a public hearing to discuss the following case:**

Petitioner: **FERRARO, WILLIAM R**  
Location of Premises: **50 CAMERON ST BRKL**  
Date of Hearing: **10/04/2007**  
Time of Hearing: **07:00 p.m.**  
Place of Hearing: **Main Library, Conference Room, 2<sup>nd</sup> fl.**

A public hearing will be held for a special permit and/or variance from:

- 1) **5.20, Floor Area Ratio; Variance Required.**
- 2) **5.22(3)(c), Exceptions to Maximum Floor Area Ratio (FAR) Regulations for Residential Units; Special Permit Required.**
- 3) **5.43, Exceptions to Yard and Setback Regulations; Special Permit Required.**
- 4) **5.09.2.j, Design Review; Special Permit Required.**
- 5) **5.50, Front Yard Requirements; Variance Required.**
- 6) **5.60, Side Yard Requirements; Variance required.**
- 7) **8.02.2, Alteration or Extension; Special Permit Required.**

Of the Zoning By-Law to construct additions and renovations per plans at **50 CAMERON ST BRKL.**

Said Premise located in a **M-1.0** District.

*Hearings, once opened, may be continued by the Chair to a date and time certain. No further notice will be mailed to abutters or advertised in the TAB. Questions regarding whether a hearing has been continued, or the date and time of any hearing may be directed to the Zoning Administrator at 617-734-2134 or check meeting calendar at: <http://calendars.town.brookline.ma.us/MasterTownCalendar/?FormID=158>.*

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the ADA Coordinator, Stephen Bressler, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone: (617) 730-2330; TDD (617) 730-2327.*

**Diane R. Gordon  
Harry Miller  
Bailey S. Silbert**

Present at the hearing was Chair, Enid Starr and Board Members Bailey Silbert and Larry Kaplan. The owner, William Ferraro, of 100 Lynn Street, Everett MA presented his proposal before the Board.



Mr. Ferraro described his property as a small lot with an existing two-family dwelling located on Cameron Street between Leverett Street and Smythe Street, one block north of Boylston Street. To the rear of the property are the railroad tracks for MBTA's Green D line. The neighborhood has a wide variety of uses and architecture types, ranging from single-family dwellings to apartment buildings to parking lots and garages. Direct abutters to this property include a low-level garage building to the left and a single-family dwelling to the right. He described the building as an attached two-family dwelling two-and-a-half stories tall. The building has minimal side and front yards, and a moderately-sized rear yard. There is no parking available on the property. He said that he is proposing to alter the two-family's roofline in order to create a full third story. Previously, he had proposed to construct two full-length dormers on the attic floor, one on the front façade and another on the back façade, essentially changing the structure's sloped roof to a nearly flat roof. In response to Planning Board comments, he revised the proposal to create a three-story structure with a small parapet and cornice line along the front and side roof lines; the roofline of the second story addition at the rear would be altered in the same way to mimic the upper story. The actual roof would slope slightly to the rear to facilitate drainage. The overall height of the structure would be 33 feet 1 inch. Windows would be installed on all sides of the third story, with most windows lining up symmetrically with windows on the second floor. The attic is partially finished, and this proposal would add approximately 188 square feet to the structure, 94 square feet per unit. Mr. Ferraro said that he needed relief from setbacks, design review and alteration of a pre-existing, non-conforming structure.

The Chair asked whether anyone would like to speak in favor or in opposition to the proposal and no one responded.

Lara Curtis, Planner, described the relief required for the project.

**Section 5.09.2.j – Design Review:** Any exterior addition for which a special permit is requested under *Section 5.22, Exceptions to Maximum Floor Area Ratio Regulations for Residential Units*, requires a special permit for design review. The applicant has not submitted an impact statement. The relevant sections of the Community and Environmental Impact and Design Standards are as follows:

- a. *Preservation of Trees and Landscape* – The proposal does not affect existing trees or landscaping; instead, the applicant intends to increase the amount of landscaping by installing planters along the front of the building and plants at the building's corners.
- b. *Relation of Buildings to Environment* – The proposed alterations to the structure's roofline should not negatively impact abutting properties. The overall height of the building is still well beneath the height limit, and neighboring properties are either not residential in nature or have buildings with sufficient setbacks from the subject building. The proposal attempts to give the building a cohesive overall appearance while creating more livable floor space on the third floor.

**Section 5.20 – Floor Area Ratio**

**Section 5.22.3.c – Exceptions to Maximum Floor Area Ratio Regulations for Residential Units**

	Allowed		Existing	Proposed	Finding
	By Right	By Special Permit			
F.A.R	1.0 (100%)	1.5 (up to 150%)	1.2 (120%)	1.27 (127%)	Special Permit*
Floor Area (s.f.)	2,594	3,891	3,113	3,301	--

\* Under *Section 5.22.3.c*, if a proposal involves a floor area increase of less than 350 s.f., the Board of Appeals may grant a special permit for the increase as long as the total gross floor area of the building is not more than 150 percent of the permitted gross floor area.

**Section 5.50 – Front Yard Requirements**

**Section 5.60 – Side Yard Requirements**

	Required	Existing	Proposed	Finding
Front Yard Setback	15 feet	3 feet	3 feet	<u>Variance /</u> <u>Special Permit**</u>
Side Yard Setback	10 feet	Left side: 1-3 feet Right side: 3 feet	Left side 1-3 feet Right side: 3 feet	<u>Variance /</u> <u>Special Permit**</u>

\*\* Under *Section 5.43*, the Board of Appeals may waive yard and setback requirements by special permit if a counterbalancing amenity is provided. The applicant expects to provide landscaping and new fencing as counterbalancing amenities.



**Section 8.02.2 – Alteration or Extension:** A special permit is required to alter this pre-existing non-conforming building.

Ms. Curtis said that the Planning Board is not opposed to this proposal to alter the roofline of the two-family attached dwelling and increase its floor area by constructing a full third story. The proposal should not negatively impact abutting properties, and it will provide needed floor area for a small property. Abutting structures are either a sufficient distance away from the dwelling or are non-residential in nature, including a garage building and parking lot. She said that the applicant has made significant strides towards renovating the structure, and this proposal should improve the building's appearance. The applicant should revise the plans to ensure they are consistent throughout. Ms. Curtis said that the Planning Board recommended approval of the proposal and the plans, entitled "Ferraro Dormer," prepared by Brian D. Anderson and last dated 7/6/07, subject to the following conditions:

- 1. Prior to issuance of a building permit, final elevations of the building, indicating exterior materials, shall be submitted to the Assistant Director for Regulatory Planning for review and approval. The elevations and floor plans shall be consistent throughout.**
- 2. Prior to issuance of a building permit, a final landscaping plan shall be submitted to the Assistant Director for Regulatory Planning for review and approval.**
- 3. Prior to issuance of a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; 2) final elevation plans, stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.**

The Chair then called on Frank Hitchcock representing the Building Department. Mr. Hitchcock described the project for the Board. He said all the relief could be granted by Special Permit. He said relief was needed under **Section 5.09.2.i**, Design Review. Relief was needed under

Section 5.22.3.e for bonus floor area and the applicant meets the criterion. He said relief under Section 5.43 allows the Board to waive yard and setback requirements if a counterbalancing amenity is provided and because the project is an expansion of a pre-existing non-conformity, the Board may grant relief under Section 8.02.2 of the bylaw. Mr. Hitchcock said that the Building Department has no objection to the proposal, no objection to the zoning relief that is required and no objection to the conditions recommended by the Planning Board.

The Chair asked the petitioner what he intended to provide as a counterbalancing amenity to satisfy the requirements of Section 5.43 and Mr. Ferraro stated he was going to provide additional landscaping and new fencing on his lot.

The Board, having deliberated on this matter and having considered the foregoing testimony, concludes that is desirable to grant Special Permits under Sections 5.09.2.j, 5.22.3.e, 5.43 and 8.02.2 of the Zoning Bylaw. The Board made the following findings pursuant to Section 9.05:

- a. The specific site is an appropriate location for such a use, structure, or condition.
- b. The use as developed will not adversely affect the neighborhood.
- c. There will be no nuisance or serious hazard to vehicles or pedestrians.
- d. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- e. The development as proposed will not have a significant adverse effect on the supply of housing available for low and moderate income people.

Therefore, the board voted unanimously to grant all the Special Permit relief with the following conditions:



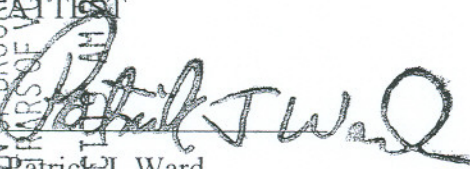
1. Prior to issuance of a building permit, final elevations of the building, indicating exterior materials, shall be submitted to the Assistant Director for Regulatory Planning for review and approval. The elevations and floor plans shall be consistent throughout.
2. Prior to issuance of a building permit, a final landscaping plan shall be submitted to the Assistant Director for Regulatory Planning for review and approval.
3. Prior to issuance of a building permit, the applicant shall submit to the Zoning Administrator for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; 2) final elevation plans, stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

Unanimous Decision of  
The Board of Appeals

  
Enid Starr

Filing Date: October 19, 2007

True Copy:

RECEIVED  
TOWN OF BROOKLINE  
REGISTRAR OF VOTERS  
ATTEST  
  
Patrick J. Ward  
Clerk, Board of Appeals